

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 64078

Gregory Dressel  
Nita M. Dressel  
594 Eason Drive  
Severn MD 21144

6818 Queens Ferry Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 2, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 408B, failure to cease use of the property as an illegal rooming and boarding house on residential property known as 6818 Queens Ferry Road, 21239.

On February 5, 2010, pursuant to Baltimore County Code §3-6-205, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$6,000.00 (six thousand dollars).

The following persons appeared for the Hearing and testified: Gregory Dressel, Respondent, Ms. Anne Martin, Complainant and Jeffrey Radcliffe, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A Correction Notice was issued on September 14, 2009 for Respondent to cease use of this property as illegal rooming/boarding house, and for failure to register property as a rental property. This Citation was issued on February 5, 2010. This Hearing was rescheduled due to inclement weather, with written notice to the Respondent.

B. Inspector Jeff Radcliffe testified that this Citation was issued because there are four female Towson University students living in this house, in violation of zoning restrictions. He testified that he monitored the property over several months. Inspector Radcliffe's notes in the file state that on September 19 he observed three vehicles at the property and there was no answer at the door. On September 20 he observed four cars at the property and spoke with tenant Jackie Dysert, who told him that only she and one other tenant, Jess Dunn, live in the house. Dysert is from Ohio and Dunn is from Maryland. He further testified that a neighbor, Ms. Anne Martin, has supplied additional information.

C. Anne Martin testified that she is a neighbor and a representative of the Glendale Glenmont Community Association. She testified that she serves as the welcomer for the community, and that on July 7, 2009 she saw a moving van at this address and approached the young woman who was moving in. The girl said she was excited to be moving in, and that she had three roommates who were also on the Towson University lacrosse team. Ms. Martin testified that she asked the young lady if she knew it was a zoning violation to have four tenants living in the house, and she said she was not. Ms. Martin further testified that she called Code Enforcement to notify the County. Ms. Martin further testified that she walks in the community very early every morning.

D. Ms. Martin testified that there are still four students living in this house, and that some neighbors have told her this has gone on for several years. She further testified that once the girls understood that inspectors were coming, they started parking two of their cars on Barnett Road instead of on Queens Ferry Road. She submitted photographs of cars and license plates, and a list of cars and license plates that she has observed parked overnight regularly, on a daily basis, at or near the property. The vehicles are a Dodge van (Maryland registration), a Nissan Versa (Ohio), a black Ford Explorer (Maryland), and a red Toyota (New York). Photographs of the same cars and license plates are in the departmental file, taken in July 2009, September 2009, and January 2010. Ms. Martin testified that all four of these cars were parked at the property the morning of this Hearing.

E. On February 5, 2010, Ms. Martin submitted written answers to the Department's questionnaire. Her notes included a description of her July 7 conversation with one tenant as described in paragraph C, above. Her notes also included a statement that she has spoken with the next door neighbor, Mr. Carpenter, and was told by Mr. Carpenter that there are four students living in the house and that a fourth bedroom had been added in the basement.

F. Respondent Gregory Dressel testified that on April 21, 2009 he signed a lease with two Towson University students and that he was very specific that this is a two person house. He has owned the house for five or six years, and bought it for his son when he was a student at Towson University. He further testified that when the County started the rental registration program, he sent in the required paperwork and obtained a Rental Housing License. He further testified that after he received the County's notices he called the girls to ask if anyone else was living in the house, and they said no. He testified that there have not been any problems like parties or disturbances, and testified that a neighbor has his telephone number in case of any problems. He testified that the County did not send him Interrogatories. He was in the house at Christmastime while the girls were away, to repair a window, and found the house tidy with no sign of problems. He further testified that the house has three bedrooms and he rents it unfurnished.

G. Direct observations by the County inspectors or admissions by the property owner are not required to provide sufficient evidence in an administrative proceeding. The information provided by neighbors is admissible and relevant. The most specific evidence supporting a finding of illegal rooming/boarding house is the admission by one tenant to neighbor Ann Martin on July 7 that there were four tenants moving into the house. The observations of the same four cars consistently parked at the house support this finding. Particularly troubling is the testimony from neighbor Martin that two of the cars have been parked on Barnett Road, another road in the community, since the inspections became apparent, indicating an effort to avoid detection. It is possible that the extra cars could be simply visitors or students wishing to park in the area, but this is not likely because the same cars were previously at this property and they have been parked overnight so consistently, and because the neighborhood is not particularly close to Towson University's campus.

H. The sworn testimony of Respondent Dressel, who co-owns the property, contradicts the admission by the tenant and the testimony and evidence provided by Ms. Martin and Inspector Radcliffe. Respondent Dressel testified that he leased the house to two students and that he believes only two reside there. However, he has not provided any explanation for the consistent overnight parking of the same four cars at the property, or for the statement by a tenant in July 2009 that four teammates were moving into the house. Given all the testimony and evidence presented, Respondent's testimony that there are only two tenants is not convincing.

I. Baltimore County's zoning regulations restrict the number of unrelated adults who can occupy a house for compensation. Because this is not the owner's domicile, the house can only be occupied by two unrelated adults absent a permit for a boarding or rooming house. BCZR Section 101.1; Section 408B. Based on the evidence presented, an illegal boardinghouse with more than two tenants has been operating at this location since July 2009. This Citation will therefore be enforced.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$6,000.00 (six thousand dollars).

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9<sup>th</sup> day of March 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.